

**PLANNING BOARD
TOWN OF MARILLA**

Date: May 18, 2006

Present: Debbie Zimmerman, Chairman Robert Miller, Consult
Nathan Barnard, Co-Chairman John Fronczek, CEO
Rich Janiga
Judy Gillman
Dan Handy
Paul Domanowski
Tom Wantuck

Absent: Barbara Spanitz, Town Board

Guests: Nicole Garrison

- I. Debbie Zimmerman, Chairman, opened the Planning Board meeting at 7:00 p.m. and stated we would proceed to Old Business discussing the Garrison Flag Lot Application.

- II. Old Business

The Planning Board decided to review the CAB Meeting Notes dated May 2, 2006, which was submitted to Dan Handy. Robert Miller stated he heard about this letter yesterday (May 17) and received it today. Mr. Miller did not have much of a chance to review it and feels we should have received this sooner. Nathan Barnard stated this is confusing because it has not been approved by the CAB. Robert Miller stated on page 3 it states opinions compiled by Ralph Burch.

CEO John Fronczek stated this is a complete Flag Lot Application. Judy Gillman agreed, stating this is a very complete application. In regard to the CAB Meeting Notes the P.B. feels the application does have a survey completed by a licensed surveyor, the driveway is in compliance, the individual who buys the land has to abide by the building regulations, flood protection is the individual purchasing the land's responsibility, floodplain and wetlands map is attached to the application and a residential structure does not have to start within one year. Robert Miller stated if someone does get a building permit and does not build within one year, they would need to apply for another building permit.

Rich Janiga asked Mrs. Garrison their reason for wanting a flag lot. Mrs. Garrison explained initially they were going to build a home on the flag lot instead of putting extensive additions on the existing home. Mrs. Garrison has

now purchased a home in Elma and decided to still apply for the flag lot since they had already started the process. Mrs. Garrison believes they have a buyer who is probably not interested in the flag lot. Rich Janiga stated this will create two tax parcels. Tom Wantuck stated if the Town Board approves this as a flag lot, it will always be a flag lot. Dan Handy stated unless they incorporate it back together. Mrs. Garrison asked if this was a negative process. The P.B. stated you do pay more taxes on two separate parcels.

MOTION by Dan Handy to recommend to the Town Board the approval of the Garrison Flag Lot Application, seconded by Rich Janiga.

Roll call vote:

Tom Wanutck -- aye

Judy Gillman -- aye

Rich Janiga – aye

Nathan Barnard -- aye

Paul Domanowski - - aye

Debbie Zimmerman -- aye

Dan Handy – aye

Motion carried.

III. **MOTION** to accept April minutes moved by Nathan Barnard, seconded by Rich Janiga. All in favor – 7 ayes.

IV. New Business

Bob Miller attended an annual meeting at Houghton College today. At this meeting was the NYS Department of State talking about P.B. obligations, the SEQR program, site plan, special use permits, etc. Bob Miller provided several handouts which information is also available on the Department of State website.

V. CEO Report

CEO John Fronczek stated the new Local Law states five copies of the flag lot applications are required: 2 for the P.B., 1 for the Town Board, 1 for the CAB, and 1 for the CEO. Bob Miller requested material received before meetings should be sent to the P.B. members one week before the meeting. Laura can mail out copies given by CEO John Fronczek. When the flag lot application is received there is a timeframe of 62 days to respond. Debbie Zimmerman questioned when the timeframe begins whether it is the date the application is completed or when the application is given to the CEO. CEO John Fronczek stated it is the date the Town Clerk receives payment for the application and this date should be noted.

VI. Town Board Report

None.

VII. Open Presentations from the Floor

The P.B. feels all suggestions are welcome from the CAB as a board but was confused as to whether the Meeting Notes dated May 2nd, 2006, were official CAB minutes. The letter was given to Dan Handy and it should have been submitted to the Chairman of the P.B. Rich Janiga stated any individual can submit a letter with comments or attend the P.B. meeting. Debbie Zimmerman stated she would go to the work session to talk to the Town Board regarding this. Rich Janiga stated the CAB gives their comments to the Town Board and the P.B. gives a recommendation to the Town Board wherein the Town Board makes a decision. Bob Miller stated Warren Handley called him with some concerns regarding the flag lot application. Bob Miller stated this was a complete flag lot application and no one was here to voice any opinion when we first reviewed it.

Bob Miller commented George Gertz said a copy of the draft of the revised code is on the computer. There is a matrix in there of uses and districts which is very helpful.

VIII. **MOTION** to adjourn at 8:00 p.m. Judy Gillman moved, seconded by Tom Wantuck, all in favor 7/0.

Respectfully submitted,

Laura Nuttle, Clerk